

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	§	CHAPTER 11
	§	
BEAUTIFUL BROWS LLC,	§	Case No. 18-66766-jwc
	§	
<u>Debtor.</u>	§	

**MOTION TO SET ADMINISTRATIVE CLAIMS BAR DATE FOR
ADMINISTRATIVE EXPENSES ARISING IN CHAPTER 11 CASE**

COME NOW S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate (the “**Estate**”) of Beautiful Brows LLC, Debtor (the “**Debtor**”) in the above captioned case (the “**Case**”), by and through counsel, and hereby files this *Motion to Set Administrative Claims Bar Date for Administrative Expenses Arising in Chapter 11 Case* (the “**Motion**”) to request the entry of an order establishing a bar date for the filing of a request for allowance and payment of an administrative expense claim under 11 U.S.C. § 503, (the “**Administrative Claims**”), in the Chapter 11 Case of the Debtor. In support of this Motion, the Trustee respectfully represents as follows:

JURISDICTION

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. The statutory and legal predicates for the relief sought herein are sections 105 and 503 of title 11 of the United States Code (the “**Bankruptcy Code**”) and the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

BACKGROUND

3. On October 3, 2018 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Northern District of Georgia (the “**Court**”).

4. On November 21, 2018, the United States Trustee filed a Notice of Appointment of Chapter 11 Trustee and Setting of Bond [Doc. No. 46] pursuant to which S. Gregory Hays was appointed as the Chapter 11 Trustee for the bankruptcy estate of the Debtor. After the United States Trustee filed an Application for Approval of Selection of Appointment of Chapter 11 Trustee [Doc. No. 47] on November 21, 2018, the Court entered an Order Approving Appointment of Chapter 11 Trustee [Doc. No. 49] on November 26, 2018, confirming the appointment of S. Gregory Hays as the Chapter 11 trustee in the Case.

5. On September 3, 2019, the Court converted the Case to a proceeding under Chapter 7 effective August 30, 2019 [Doc. No. 170] and directed the United States Trustee to appoint a trustee in the Chapter 7 Case.

6. From October 3, 2018 to and through August 30, 2019, the Debtor remained a debtor under Chapter 11 of the Bankruptcy Code (the “Chapter 11 Case”).

7. On September 4, 2019, the United States Trustee filed a Notice of Appointment of Interim Chapter 7 Trustee and Section 341(a) Meeting of Creditors [Doc. No. 171] in which S. Gregory Hays was appointed as interim trustee in the Chapter 7 Case. The Trustee remains the duly acting Chapter 7 Trustee for the bankruptcy estate of the Debtor and is duly qualified to act in such capacity.

8. The Chapter 7 Trustee is in the process of recovering and liquidating the remaining assets of the Debtor and is aware that the Debtor may have incurred administrative expenses during

the Chapter 11 Case. In the interest of having the most complete information possible, the Chapter 7 Trustee believes that fixing a bar date for Administrative Claims arising during the Chapter 11 Case is in the best interests of the Estate.

RELIEF REQUESTED

9. By this Motion, the Trustee respectfully requests the entry of an order—substantially in the form as the proposed Bar Order attached as **Exhibit A** hereto—pursuant to 11 U.S.C. §§ 105(a) and 503 establishing November 15, 2019 (the “**Chapter 11 Administrative Claims Bar Date**”), as the deadline for the filing of claims or requests for payment of administrative expenses of the kind specified in 11 U.S.C. § 503(b), and referred to in 11 U.S.C. § 507(a)(1), incurred during the Chapter 11 Case for the period beginning on October 3, 2018 to and through August 30, 2019.

10. This request applies only to administrative expenses arising in the Chapter 11 Case and does not include administrative claims arising in the Chapter 7 Case. Further, this request does not include (a) any claim or request for compensation or reimbursement under 11 U.S.C. § 330 or § 331 for the Trustee or anyone whom he has hired, (b) any entity whose administrative expense claim has been previously allowed by a final order of the Court; and (b) fees due the United States Trustee under 28 U.S.C. § 1930.

11. The Trustee requests that any party required to file a request for allowance and payment of any Administrative Claims in the Chapter 11 Case by the Chapter 11 Administrative Claims Bar Date established herein that fails to file such a request on or before the Administrative Claims Bar Date, be barred, estopped, and enjoined from asserting such administrative expense claim against the Estate of the Debtor and the Estate of the Debtor shall be forever discharged from any and all indebtedness, liability, or obligation with respect to such claim.

WHEREFORE, the Trustee respectfully request the entry of an Order: a) granting this Motion; b) establishing an Administrative Claims Bar Date of November 15, 2019, or such other date as the Court deems appropriate, for any claims, other than by the Trustee, any professionals employed by the Trustee, any entity whose administrative expense claim has been previously allowed by a final order of the Court, or fees due the United States Trustee under 28 U.S.C. § 1930 and e) granting such other and further relief as may be just and proper.

Dated: September 30, 2019.

Respectfully submitted,

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.

Georgia Bar No. 636265

Buckhead Centre

2964 Peachtree Road NW, Suite 555

Atlanta, GA 30305

(404) 926-0053

hsewell@sewellfirm.com

COUNSEL FOR THE CHAPTER 7 TRUSTEE

EXHIBIT A

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	§	CHAPTER 11
	§	
BEAUTIFUL BROWS LLC,	§	Case No. 18-66766-jwc
	§	
<u>Debtor.</u>	§	

BAR ORDER ESTABLISHING DEADLINE FOR FILING REQUESTS
FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIMS,
PURSUANT TO 11 U.S.C. § 503 ARISING IN CHAPTER 11 ONLY
OCTOBER 3, 2018 - AUGUST 30, 2019

THIS IS A BAR ORDER

TO: ALL POTENTIAL HOLDERS OF CHAPTER 11 ADMINISTRATIVE EXPENSE CLAIMS AGAINST THE DEBTOR FOR THE PERIOD OCTOBER 3, 2018 TO AND THROUGH AUGUST 30, 2019.

PLEASE TAKE NOTICE that S. Gregory Hays, Chapter 7 Trustee (the “Trustee”) for the bankruptcy estate (the “Estate”) of Beautiful Brows LLC, Debtor (the “Debtor”) in the above captioned case (the “Case”) has filed a *Motion to Set Administrative Claims Bar Date* [Doc. No. ____] (the “Motion”). In the Motion, the Trustee requests the entry of an order establishing a bar

date for the filing of a request for allowance and payment of administrative expenses claims under 11 U.S.C. § 503, including under 11 U.S.C. § 503(b)(9), in the Chapter 11 Case of the Debtor.

Upon consideration of the Motion and for good cause shown, it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. You are hereby notified as follows:
 - a. “Administrative Expense Claim” in this order means a claim for payment of an administrative expense of a kind specified in 11 U.S.C. § 503(b), and referred to in 11 U.S.C. § 507(a)(1). 11 U.S.C. § 503(b)(1)(A)(i) provides, and this order hereby directs, that Administrative Expense Claims include, without limitation wages, salaries, and commissions for services rendered for the period October 3, 2018 to and through August 30, 2019.
 - b. Notwithstanding the paragraph just above, Administrative Expense Claims in this order do not include (a) any claim or request for compensation or reimbursement under 11 U.S.C. § 330 or § 331 for the Trustee or anyone whom he has hired, (b) any entity whose administrative expense claim has been previously allowed by a final order of the Court and (c) fees due the United States Trustee under 28 U.S.C. § 1930. These are the only Chapter 11 Administrative Claims exempted from the scope of this Bar Order.

3. NOTICE IS HEREBY GIVEN THAT ANY APPLICATION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE CLAIM ARISING WHILE THIS BANKRUPTCY CASE WAS A CASE UNDER CHAPTER 11 OF TITLE 11, UNITED STATES CODE MUST BE FILED ON OR BEFORE NOVEMBER 15, 2019, WITH THE

CLERK OF THE BANKRUPTCY COURT, 13th FLOOR, UNITED STATES COURTHOUSE, 75 TED TURNER DRIVE SW, ATLANTA, GA 30303;

4. ANY ADMINISTRATIVE EXPENSE CLAIM FOR THE PERIOD OCTOBER 3, 2018 THROUGH AUGUST 30, 2019 THAT IS NOT FILED BY NOVEMBER 15, 2019, MAY BE BARRED, AND THEREBY SHALL RECEIVE NO DISTRIBUTION OR PAYMENT FROM THIS DEBTOR'S BANKRUPTCY ESTATE – EXCEPT THAT ANY CLAIM THAT HAS ALREADY BEEN ALLOWED BY AN ORDER OF THIS COURT NEED NOT BE RE-FILED; and

5. The Trustee shall serve this Order and Notice upon all known creditors of the debtor, all parties in interest to this case, all parties that have filed a notice of appearance in this case, and any party that the Trustee reasonably believes may hold an Administrative Expense Claim, no later than ten days after entry of this order.

***** END OF ORDER *****

Prepared and Presented by:

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.

Georgia Bar No. 636265

Buckhead Centre

2964 Peachtree Road NW, Suite 555

Atlanta, GA 30305

(404) 926-0053

hsewell@sewellfirm.com

PROPOSED COUNSEL FOR THE TRUSTEE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the *Motion to Set Administrative Claims Bar Date* was served: (a) via the United States Bankruptcy Court for the Northern District of Georgia's Electronic Case Filing System to all registered parties who have appeared in this Case; and (b) by United States Mail with adequate postage affixed thereon on the party set forth below:

Office of the United States Trustee
c/o Thomas Wayne Dworschak, Esq.
362 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
Via email and ECF

Beautiful Brows LLC
5002 North Royal Atlanta Dr
Suite M
Tucker, GA 30084

Dated: September 30, 2019.

Respectfully submitted,

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.
Georgia Bar No. 636265
Buckhead Centre
2964 Peachtree Road NW, Suite 555
Atlanta, GA 30305
(404) 926-0053
hsewell@sewellfirm.com

PROPOSED COUNSEL FOR THE TRUSTEE